



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 24 1987

MEMORANDUM

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

SUBJECT: Follow-up Memo on Issues Raised by Regional Staff
during the June 25 Conference Call regarding Accreditation

FROM: Michael M. Stahl, Acting Branch Chief
Hazard Abatement Assistance Branch

A handwritten signature in cursive script that reads "Michael M. Stahl".

TO: Regional Division Directors
Regional Branch Chiefs
Regional Asbestos Coordinators

This memorandum is a follow-up to the June 22 guidance memo on accreditation and the June 25 conference call with the Regions that discussed a variety of AHERA accreditation issues. I want to address the key issues raised by the Regions with respect to our policy regarding accreditation. In addition, I also have enclosed a checklist for each course required by the Model Accreditation Plan and sample letters for corresponding with States and training courses regarding approvals.

I want to cover 11 topics raised by Regional staff over the past few weeks regarding accreditation. Should you have any other questions regarding accreditation issues, please contact Bob McNally, Karen Hoffman or me at FTS 382-3949. I appreciate your input on these issues.

1. Checklist

At the request of the Regions, we have developed a checklist for each accreditation course. You should find this useful during your review of courses. The checklist covers all the course requirements of each course.

In using the checklist, I recommend that you make check marks next to each subject that is covered within a topic area. At the conclusion of a section or lecture on a topic, please grade the topic. If on the whole, the topic was addressed adequately, place an "A" next to that topic. If the overall coverage of the topic was inadequate, place an "I" next to the topic. Space is provided on the checklist for comments.

The cover sheet for the checklist will provide a summary of the entire course, including your recommendations. Regional staff may want to include additional information on the cover sheet when necessary.

2. Expanded Guidance on Reviewing Courses

Regional staff have raised questions about how to ensure consistency nationwide in the review of training courses. Some Regional staff have suggested a stringent pass/fail system that would reject a training course's application if the course did not address all aspects of the Model Plan in a superior fashion.

I believe a practical approach that utilizes the judgement of Regional staff is most appropriate. As the Model Plan states for each discipline, the courses must adequately address certain topics. This means that some courses that do not measure up to an EPA funded center in overall quality can still be approved because the topics are addressed in an adequate fashion.

As I stated in the June 22 memo, Regional staff should advise the course sponsor of deficiencies noticed during a course as soon as possible. For example, a lecture on health effects that doesn't cover mesothelioma should be brought to the attention of the course sponsor immediately. This will provide an opportunity for the course sponsor to address the deficiencies during the remainder of the course. As a result, you may change the grade for a topic if the course sponsor subsequently sees to it that the area is adequately addressed. Of course, you should not recommend approval of a course if you are constantly advising the course sponsor of major shortcomings throughout the course. At a minimum, this would suggest that the instructors for the course are not qualified.

I want to emphasize that it is in EPA's and the nation's schools best interest to have a sufficient number of quality asbestos training programs nationwide to meet the requirements imposed by AHERA. As a result, I strongly encourage Regional staff to work with training courses in assisting them meet the Model Plan's requirements.

3. Sample Letters

I have enclosed four sample letters for the Regions to use in corresponding with States and training courses. We have developed EPA approval letters for State programs and training courses as well as letters stating that EPA does not approve the State program or training course. If you approve training courses on a contingent basis, you can modify the course approval letter appropriately to reflect the contingent approval.

In letters that indicate EPA does not approve a State program or a training course, please be specific about the reasons. In addition, try to point out the steps the course or State needs to take to meet the Model Plan's requirements.

4. Hands-on Training

During the June 25 conference call, how to evaluate hands-on training was discussed. Under the Model Plan, demonstrations by instructors do not constitute hands-on training. Conversely, a 6 hour hands-on requirement does not mean one student is receiving individual attention by an instructor for 6 hours. Rather, hands-on training will give each student ample opportunity to conduct work under the close supervision of an instructor. For example, this may include one student working with several other students in conducting glove bag operations.

Let me reiterate the key concepts regarding hands-on training. The Model Plan states that hands-on training must permit contractors, supervisors and workers to have actual experience performing tasks associated with asbestos abatement. This should include working with asbestos-substitute materials, fitting and using respirators, use of glovebags, donning protective clothing, constructing a decontamination unit as well as other abatement work activities.

For inspectors, the Model Plan states that hands-on training must include a "field trip" that includes a building walk-through inspection. Individual respirator fit testing is also required. The "field trip" doesn't necessarily have to occur away from the classroom. If building mock-ups can be developed, these are acceptable. The key aspect in judging the quality of the field trip exercise involves whether the hands-on training gives students practice in locating where suspect asbestos containing building materials might be, determining sampling locations and conducting physical assessments.

5. On-site Auditing of Training Courses by States

During the June 25 conference call, Regional staff inquired about requiring States to monitor on-site training courses seeking approval. The June 22 memo stated that State auditing should be required of States seeking EPA approval of their accreditation programs. However, on-site monitoring by States is not explicitly stated in the Model Plan.

We have consulted with the Office of General Counsel (OGC) on this issue. OGC believes we can not require States to conduct on-site auditing of courses since this is not stated explicitly in the Model Plan for States. Fortunately, most States with current programs conduct auditing of their training courses. In addition, we will include on-site auditing by States as a special condition in subsequent State cooperative agreements for inspector and management planner accreditation programs.

6. On-site Auditing of Training Courses by EPA

Regional staff also raised the issue of whether EPA staff can audit a course prior to granting a course approval. OGC staff believes EPA has the authority to audit a course on-site prior to issuing a course approval or rejection. In addition, as stated in the Model Plan, EPA can also conduct subsequent on-site inspections to revoke or suspend EPA approvals.

7. Contingent Approvals

As stated in the June 22 memo, Regions may grant contingent approval for training courses that have an acceptable written application but have not been audited. I believe the ability to grant contingent approval may prove helpful over the next several months as many applications are submitted for approval. Currently, several States use contingent or provisional approvals.

8. Exams

Review of exam requirements was discussed during the conference call and in subsequent conversations with individual Regional Asbestos Coordinators (RACs). Some RACs believe EPA should review individual exams offered by a training course. Although this may be desirable in some ways, the review of individual exams is not practical for several reasons. First, under the Freedom of Information Act (FOIA), an exam submitted for EPA approval would be available to the general public. This would quickly compromise the integrity of the exam. Second, I do not believe EPA has the expertise or time to adequately review exam questions. Some of the EPA funded training centers for example, have exam question banks in excess of 500 questions. We would have a difficult time assessing the quality and technical accuracy of these questions.

For these reasons, the Model Plan does not require training courses to submit their exams for review by EPA. Rather, the training course must submit a detailed statement about the development of the exam. This should include such items as how the exam was developed, a description of the exam, evidence the exam was validated and a breakdown of the number of exam questions that cover each topic of the course (e.g., five questions on health effects). You should contact the training course sponsor and ask for this information if it is not submitted initially.

If you are still uncertain about the quality of the exam, you also may want to request that the training course sponsor mail you a dozen example questions. Although a small sample, these questions may give you some further insight into the construction of the exam.

In addition, Regional staff should review the exam when auditing the course on-site. The exam must meet the exam requirements as stated in the Model Plan (e.g., 100 multiple choice questions for contractors). If there is any deviation from the Model Plan's requirements regarding the exam, the course should not receive approval. For example, a 100 question exam that includes 30 true/false questions is inadequate.

Some Regional staff also have expressed uncertainty over the exam requirements for management planners. Management planners first must pass the inspection exam and then the management planning exam to receive accreditation as management planners.

9. Exams Offered for Interim Accreditation Persons with previous acceptable training who need to pass an exam to receive interim accreditation can take an exam offered by any EPA approved course. Naturally, the exam must be in the discipline the person is seeking to receive accreditation. The exam does not have to be the same exam from the specific training course taken previously. The exam must be closed book and proctored.

10. Close-out Date for Interim Accreditation

The Model Plan specified that anyone who took equivalent training after January 1, 1985 could receive interim accreditation. However, the Model Plan did not specify an end date for the availability of interim accreditation.

EPA will not grant interim accreditation to any person taking an equivalent training course after the date the final AHERA regulations go into effect. Given that EPA will publish the final rule in October, the effective date will probably be in late November.

11. Effective Date for Refresher Training Course Requirement

As you know, the Model Plan requires annual refresher training for all disciplines. Some RACs have asked when this requirement takes effect. The requirement will take effect two years after the date a State was required to develop an accreditation program.

Let me explain how we determined this date. AHERA stipulates that all States must develop accreditation programs 180 days after the State legislature convenes for their first regular session following the publication of the Model Plan. In addition, AHERA requires persons with interim accreditation to become fully accredited within one year after the State is required to develop a program. As a result, the requirement for annual refresher training becomes effective two years after the State programs takes effect (i.e., one year after full accreditation is required).

For example, if State X has its first legislative session next January, the State legislature must pass a program by July 1988. By July 1989 persons in State X must be fully accredited. No later than July 1990, therefore, persons must have received annual refresher training.

Let me stress that these requirements take effect for all persons seeking accreditation regardless of whether the State passes a program. In addition, I should point out that some State legislatures will not re-convene until January 1989. If this is the case, the above requirements would be pushed back one year.

Attachment

cc: Susan Vogt
Mike Wood
Jack Neylan
Alan Carpien
Larry Culleen
David Kling
Karen Hoffman
Robert McNally
Steve Schanamann